



ALAMEDA COUNTY
CONGESTION MANAGEMENT AGENCY

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Memorandum

*February 9, 2009
Agenda Item 4.1
HANDOUT*

DATE: February 6, 2009
TO: Plans and Programs Committee
FROM: ACTAC
RE: Federal Economic Stimulus Legislation:
Local Streets and Roads (LSR) Rehabilitation Programming

Action Requested

The Plans and Programs Committee is requested to review and approve the economic stimulus LSR programming policy and Program. Approximately \$20M to \$28M is assumed to be available to LSR projects in Alameda County through the American Recovery and Reinvestment Act of 2009. The final program is due to MTC on February 9, 2009. The CMA Board delegated approval of the final program to the Plans and Programs Committee at its January 22, 2009.

Next Steps

The final program of projects is requested by MTC on February 9, 2009. The final program will also be presented to the CMA Board on February 26, 2009.

Discussion

Staff requested applications for the projects on January 27, 2009. The ACTAC held a special meeting on January 28, 2009 and approved schedule, policy, funding targets and a draft program. Staff worked with sponsors to collect additional information from agencies that indicated they would prefer to receive federal funds and identifying exchange opportunities that would allow other agencies to pursue a project with local funding.

The exchange concept provides additional federal funds to some agencies in exchange for providing local funds, which would then be used to deliver the LSR projects not receiving federal funds. This will allow the Alameda Program to deliver the Economic Stimulus LSR Program with fewer overall projects, and allow Caltrans Local Assistance resources to focus on fewer obligation authority requests. Staff also proposes to fund and provide delivery assistance to the exchange project sponsors. The funding to provide the support is included in the base exchange assumptions (see attachment E). The ACTAC met on February 3, 2009 and approved a program of projects as well as an exchange strategy. Since February 3, 2009, MTC has provided additional information that revises the funding target for the County as well as the distribution of the funds within the County. The target range is intended to account for MTC considering alternative projects for a portion of the overall funding. The proposed final program reflects the latest available information.

The Board authorized the Executive Director to make program revisions as required in the event of a variance from the existing programming assumptions. Staff will continue to work with our regional partners and monitor the legislation and will report to the Board if any revisions are required.

Attachments:

- A - Proposed Program Schedule
- B - Federal Economic Stimulus LSR Programming Policy
- C - Background Information
- D - Fund Application Target Information
- E – LSR Proposed Program:
 1. Summary of Program and Fund Exchange (\$28.3 M Scenario)
 2. Summary of Program and Fund Exchange (\$22.6 M Scenario)
 3. Program Summary with Scope Detail

Draft Schedule – LSR Economic Stimulus

CMA Issues Call for Projects to Jurisdictions	01/22/09
CMA Board Meeting	01/22/09
Project Applications due to CMA	01/27/09
Special ACTAC meeting	01/28/09
Draft LSR Program due to MTC	01/28/09
ACTAC approves final list	02/03/09
PPC approves final list	02/09/09
CMA Transmits final list of projects to MTC	02/9/09
MTC's Programming and Allocations Committee	02/11/09
CMA Board Meeting	02/26/09

Federal Economic Stimulus LSR Programming Policy

Project Screening

- Project is federal aid eligible
- Capital Funding – Projects will only be considered for the construction phase components
- Agency must have a certified Pavement Management System in place

Project Readiness Criteria

- Project readiness – It is anticipated that projects will be required to obligate and/or award the construction phase of a project within 90-150 days of the approval of the Federal Economic Stimulus Package. If that is the case and the federal legislation is approved mid-February, projects will likely need to be obligated by mid-May 2009. **This will be a primary criteria considered in the program evaluation.**
 - Projects with completed environmental documentation, 100% PSE packages, and completed ROW certification will receive priority
 - Projects will be required to demonstrate a full funding plan
- Local Assistance Submittal - Projects that have already completed the documentation required by Caltrans Local Assistance will be prioritized
- DBE Program - Agencies are required to have a FFY 08/09 DBE Program to receive an obligation.

Other Criteria

- Project Type – Local Streets and Roads projects will be prioritized
- Minimum Project Size – Staff proposes a minimum federal grant request of \$0.5 M, unless a jurisdiction's initial target is below that threshold. Staff has received indications that Caltrans Local Assistance resources will be prioritized to first address larger projects that have obtained Environmental Clearance.
- Prioritization – Sponsors will be required to prioritize project submittals. This will facilitate modifications to the program if the final legislation differs from initial assumptions.
- Matching Funds – Projects with matching funds may be prioritized and/or considered for exchange opportunities.
- Equity Issues-Programming will be reviewed in relation to the MTC 25%/25%/25%/25% LSR Formula regarding equity.
- Double Jeopardy – Projects that do not meet the required obligation and/or award deadline may be subject to the CMA Double Jeopardy policy (attachment D). The final obligation and/or award deadline will be determined based on the final MTC resolution that sets the requirements for the MTC region.

MTC has indicated that other categories of projects may be eligible (bicycle, pedestrian, safety, bridge) on a very limited basis.

It is anticipated that federal funds will be eligible for up to 100% of the project cost. Staff will also consider exchange opportunities in the programming process. The CMA will continue to work with MTC and sponsors on strategies that can expedite the process and ensure delivery.

Background Information

The Federal Economic Recovery Legislation is under discussion in Congress. Though we do not know many of the specific details that will be included in the final version, we understand that the legislation is anticipated to be approved by mid-February prior to a Congressional recess.

The amount of funds to be included in the legislation, including the amount of funds available for roadway infrastructure, and the years of availability are unknown. The latest information indicates that the amount of time that will be allowed to obligate and/or award the economic stimulus projects will be in the 75-150 day range. MTC estimates that the region may receive about \$140M of Surface Transportation Program (STP) funds. MTC staff also anticipates that a significant amount of the STP funds will be programmed to Local Streets and Roads (LSR) rehabilitation and maintenance. The Alameda County share of the STP funds for LSR projects is estimated to be \$28 M. Staff requested projects totaling about \$40M in order to accommodate flexibility if certain projects do not meet the minimum program requirements.

At the January Board meeting, authority to approve a program of Local Streets and Roads (LSR) rehabilitation and maintenance projects and final programming policy was delegated to the PPC. The Board also authorized the Executive Director to make program revisions as required in the event the final legislation requirements vary from the programming assumptions used.

Looking Ahead

Looking ahead to the next few months, we are approaching a scenario where a majority of the 110 local agencies in the MTC Region will have secured an E76 authorization to proceed for construction of a local street and road rehabilitation project. In previous federal programming cycles, the projects are often programmed a year or two in advance, and spread over two or three years. Once the economic stimulus package is approved, a large amount of the funding/projects will be anticipated by contractors this summer. We expect a large amount of contracts hitting the market in a short time. It may be beneficial to advertise and award projects on the most expedited basis available to your agency.

Local Streets and Roads

Summary of Proposed Application Targets for Economic Stimulus Funds

Jurisdiction in Alameda County	Total Share per MTC Calculation	Total Share- 80% Level *	Total Share- 70% Level **
County of Alameda***	\$ 2,087,000	\$ 1,669,600	\$ 1,460,900
Alameda	\$ 1,498,000	\$ 1,198,400	\$ 1,048,600
Albany	\$ 240,000	\$ 192,000	\$ 168,000
Berkeley	\$ 1,860,000	\$ 1,488,000	\$ 1,302,000
Dublin	\$ 865,000	\$ 692,000	\$ 605,500
Emeryville	\$ 179,000	\$ 143,200	\$ 125,300
Fremont	\$ 4,604,000	\$ 3,683,200	\$ 3,222,800
Hayward	\$ 2,339,000	\$ 1,871,200	\$ 1,637,300
Livermore	\$ 1,699,000	\$ 1,359,200	\$ 1,189,300
Newark	\$ 1,123,000	\$ 898,400	\$ 786,100
Oakland	\$ 6,855,000	\$ 5,484,000	\$ 4,798,500
Piedmont	\$ 124,000	\$ 99,200	\$ 86,800
Pleasanton	\$ 1,824,000	\$ 1,459,200	\$ 1,276,800
San Leandro	\$ 1,537,000	\$ 1,229,600	\$ 1,075,900
Union City	\$ 1,466,000	\$ 1,172,800	\$ 1,026,200
COUNTY TOTAL	\$ 28,300,000	\$ 22,640,000	\$ 19,810,000

* 80% of Total Share per MTC's calculation

** 70% of Total Share per MTC's calculation

*** County of Alameda information includes Planning Area 2 and 4.

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**Federal Economic Stimulus Local Streets and Roads Funding
Draft Program - with Exchange Option**

**Proposed Federal LSR Funding - Draft Program
(Assumes \$28.3 Million County Share)**

Jurisdiction	Estimated Share	Federal \$ Proposed	Proposed Exchange \$
County of Alameda*	\$ 2,087,000	\$ 2,087,000	\$ 1,813,000
Alameda	\$ 1,498,000	\$ 1,498,000	
Berkeley	\$ 1,860,000	\$ 1,860,000	
Fremont	\$ 4,604,000	\$ 4,604,000	\$ 2,184,000
Hayward	\$ 2,339,000	\$ 2,339,000	
Livermore	\$ 1,699,000	\$ 1,699,000	
Oakland	\$ 6,855,000	\$ 6,855,000	
Pleasanton	\$ 1,824,000	\$ 1,824,000	
San Leandro	\$ 1,537,000	\$ 1,537,000	
Exchange Scope		\$ 3,997,000	
COUNTY TOTAL	\$ 24,303,000	\$ 28,300,000	\$ 3,997,000

Proposed Local LSR Funding

Jurisdiction	Estimated Share	Local \$ Proposed
Albany	\$ 240,000	\$ 221,995
Dublin	\$ 865,000	\$ 800,109
Emeryville	\$ 179,000	\$ 165,572
Newark	\$ 1,123,000	\$ 1,038,754
Piedmont	\$ 124,000	\$ 114,698
Union City	\$ 1,466,000	\$ 1,356,022
Exchange Delivery Support**		\$ 100,000
COUNTY TOTAL	\$ 3,997,000	\$ 3,797,150
TOTAL PROGRAM	\$ 28,300,000	

* County of Alameda information includes Planning Area 2 and 4.

** Estimate, not to exceed \$100K.

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**Federal Economic Stimulus Local Streets and Roads Funding
Draft Program - with Exchange Option**

Proposed Federal LSR Funding - Draft Program (Assumes \$22.6 Million County Share)			
Jurisdiction	Estimated Share	Federal \$ Proposed	Proposed Exchange \$***
County of Alameda*	\$ 1,669,600	\$ 1,669,600	\$ 1,598,800
Alameda	\$ 1,198,400	\$ 1,198,400	
Berkeley	\$ 1,488,000	\$ 1,488,000	
Fremont	\$ 3,683,200	\$ 3,683,200	\$ 1,598,800
Hayward	\$ 1,871,200	\$ 1,871,200	
Livermore	\$ 1,359,200	\$ 1,359,200	
Oakland	\$ 5,484,000	\$ 5,484,000	
Pleasanton	\$ 1,459,200	\$ 1,459,200	
San Leandro	\$ 1,229,600	\$ 1,229,600	
Exchange Scope		\$ 3,197,600	
COUNTY TOTAL	\$ 19,442,400	\$ 22,640,000	\$ 3,197,600

Proposed Local LSR Funding		
Jurisdiction	Estimated Share	Local \$ Proposed
Albany	\$ 192,000	\$ 176,395
Dublin	\$ 692,000	\$ 635,759
Emeryville	\$ 143,200	\$ 131,562
Newark	\$ 898,400	\$ 825,384
Piedmont	\$ 99,200	\$ 91,138
Union City	\$ 1,172,800	\$ 1,077,482
Exchange Delivery Support**		\$ 100,000
COUNTY TOTAL	\$ 3,197,600	\$ 3,037,720
TOTAL PROGRAM	\$ 22,640,000	

* County of Alameda information includes Planning Area 2 and 4.

** Estimate, not to exceed \$100K.

*** At lower Total Program amount, exchange assumes a 50/50 split between Alameda Co. and Fremont
This may need to be revised.

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February 9, 2009
Attachment E-3

THIS INFORMATION WILL BE DISTRIBUTED SEPERATELY